

S/N 10/798,149

Reply to Office Action of July 13, 2007

### REMARKS

Favorable reconsideration of this application is requested. Claim 1 has been amended. The limitation in claim 1 concerning the battery case comprising outer wall members that define a battery case main body having a hole and a lid for closing the hole is supported by for example page 11, lines 26-28 and Figure 4. Claims 1-13 are pending.

Claims 1-6 and 8-13 were rejected as obvious over Asahina et al. (U.S. Patent No. 6,939,642) in view of Okamoto et al. (U.S. Patent No. 5,780,180). Applicants respectfully traverse this rejection.

Asahina teaches a battery case made of a resin. Inside the Asahina's battery case, a metallic electroconductive connector connects cells and functions as a partition arranged between the cells. The rejection contends that the metallic electroconductive connector corresponds to the first portion of claim 1. However, the rejection's interpretation of Asahina is flawed. Specifically, nowhere does the reference indicate that the battery case comprises outer wall members, and that an area of the outer wall members is occupied by the first portion as required by claim 1. In fact, the electroconductive connector of Asahina is not intended to be in contact with the outside air, and thus does not correspond to any part of the battery case of claim 1. Moreover, nothing in the reference discloses the relative areas of the first and second portions of the battery case. Therefore, claim 1 and the dependent claims therefrom are patentable over Asahina.

Okamoto teaches a nickel metal hydride storage battery made of a conventional resin battery case. The reference discloses that the battery case or the lid is made of a polymer alloy containing polyphenylene ether and an olefin resin as main components, the olefin resin occupying 20-60 wt % of the whole polymer alloy. Thus, Okamoto teaches that the entire case should be made of resin, and suggests no reason for leaving a first portion where metal would be present. As shown in comparative sample 1 of the present specification, a battery case made only with resin results in an undesirable increase in discharge reserve over time. Therefore, claim 1 and the dependent claims therefrom are patentable over Okamoto.

The rejection contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to insert the teachings of Okamoto into the teachings of Asahina, because Okamoto teaches the recited resins in the Application and the amount of resin

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in the battery case. However, claim 1 limits the portion containing metal and a portion containing resin of the battery case in order to control the amount of hydrogen that leaks outside the battery. On the other hand, as mentioned above, the electroconductive connector of Asahina is not intended to be in contact with the outside air and thus does not contribute to the control of hydrogen leakage. Thus, even if Asahina and Okamoto are combined, the references only teach a battery case corresponding to comparative sample 1 of the present specification. Accordingly, claim 1 and the dependent claims therefrom are patentable over Asahina and Okamoto, taken alone or separately.

Claims 1 and 7 were rejected as obvious over Asahina in view of Arai (U.S. Patent No. 6,528,202). Applicants respectfully traverse this rejection.

Asahina has been distinguished above. Arai does not cure the deficiencies of Asahina. More specifically, Arai only teaches that the battery case should be made of resin, and suggests no reason for leaving a first portion where metal would be present. Thus, even if Asahina and Arai are combined, the reference only teaches a battery case corresponding to comparative sample 1 of the present specification. Accordingly, claim 1 and the dependent claims therefrom are patentable over Asahina and Arai, taken alone or separately.

In view of the above, Applicant respectfully requests that a timely Notice of Allowance be issued on this case. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,



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